

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL FRANCIS FIRST RAISED,

Defendant.

CR 23-18-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant DANIEL FRANCIS FIRST RAISED (First Raised) has been accused of violating the conditions of his supervised release. (Docs. 113 and 122). First Raised admitted some of the violations. First Raised's supervised release should be revoked. First Raised should be sentenced to custody for 4 months, with 41 months of supervised release to follow. During the period of his supervised release, First Raised shall be placed in an in-patient substance abuse treatment facility at the direction of his probation officer and shall also be placed in a residential re-entry center for a period of up to 180 days at the direction of his probation officer.

Status

On August 21, 2023, First Raised plead guilty to the offense of Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) as charged in Count 2 of the Indictment. (Doc. 61). First Raised was sentenced to 18 months of custody, followed by 4 years of supervised release. (Doc. 82). First Raised's current term of supervised release began on February 28, 2025.

Petition

On March 3, 2025, the United States Probation Office filed a Petition requesting that the Court revoke First Raised's supervised release. (Doc. 113). The Petition alleged First Raised violated the conditions of his supervised release by: (1) consuming alcohol on March 1, 2025; and (2) failing to report to Connections Corrections on March 3, 2025 for inpatient treatment as instructed by his probation officer.

Amended Petition

On May 15, 2025, the United States Probation Office filed an Amended Petition requesting that the Court revoke First Raised's supervised release. (Doc. 122). The Amended Petition alleged First Raised violated the conditions of his supervised release by the added violations of: (3) committing another federal, state or local crime by being charged on May 7, 2025, with Obstructing Justice, in

violation of Chippewa Cree Tribe Law and Order Code IV-6-2; and (4) using methamphetamine and fentanyl on or about May 6 and 7, 2025.

Initial Appearance

First Raised appeared before the Court on May 20, 2025. First Raised was represented by counsel. First Raised stated that he had read the Amended Petition and that he understood the allegations against him. First Raised waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation Hearing

First Raised appeared before the Court on May 20, 2025. First Raised admitted that he had violated the conditions of supervised release as set forth in the Amended Petition by: (2) failing to report to Connections Corrections on March 3, 2025 for inpatient treatment as instructed by his probation officer; and (4) using methamphetamine and fentanyl on or about May 6 and 7, 2025. The Government moved to dismiss allegations (1) and (3), which the Court granted. First Raised's admitted violations, 2 and 4, are serious and warrant revocation of his supervised release.

Sentencing hearing

First Raised appeared before the Court on May 20, 2025. First Raised's violations are Grade C. His criminal history category is I. First Raised's underlying

offense is a Class B felony. First Raised could be incarcerated for up to 36 months. First Raised could be ordered to remain on supervised release for up to 45 months less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

First Raised's supervised release should be revoked. First Raised should be sentenced to custody for 4 months, with 41 months of supervised release to follow. During the period of his supervised release, First Raised shall be placed in an in-patient substance abuse treatment facility at the direction of his probation officer and shall also be placed in a residential re-entry center for a period of up to 180 days at the direction of his probation officer.

IV. Conclusion

The Court informed First Raised that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed First Raised of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to First Raised that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. First Raised waived his rights to appeal and allocute before Judge Morris.

The Court **FINDS:**

That DANIEL FRANCIS FIRST RAISED has violated the conditions of his supervised release by: (2) failing to report to Connections Corrections on March 3, 2025 for inpatient treatment as instructed by his probation officer; and (4) using methamphetamine and fentanyl on or about May 6 and 7, 2025.

The Court **RECOMMENDS:**

That the District Court revoke First Raised's supervised release and sentence First Raised to custody for 4 months, with 41 months of supervised release to follow. During the period of his supervised release, First Raised shall be placed in an in-patient substance abuse treatment facility at the direction of his probation officer and shall also be placed in a residential re-entry center for a period of up to 180 days at the direction of his probation officer.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the

district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 21st day of May 2025.



John Johnston
United States Magistrate Judge